

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

27556

FILE: B-212718

DATE: March 1, 1984

MATTER OF: Radix II, Inc.

DIGEST:

Protest against solicitation defects filed with GAO more than 10 working days after protester learns of agency's denial of protester's preclosing-date protest to agency is untimely under GAO Bid Protest Procedures.

Radix II, Inc. (Radix), protests any award under request for proposals (RFP) No. DACA01-83-R-0057, issued by the United States Army Corps of Engineers (Corps). Radix contends that the specifications are deficient and are impossible to perform, and that the failure to provide ranking of evaluation factors is contrary to the Defense Acquisition Regulation.

By letter of July 15, 1983, Radix pointed out these alleged deficiencies to the contracting officer and requested corrective action. By letter dated July 28, 1983, received by Radix on July 29, 1983, the contracting officer advised Radix that no changes to the RFP would be made. As an accommodation to Radix, the contracting officer extended the closing date by 2 weeks to August 18, 1983. Radix's subsequent protest to our Office was filed on August 16, 1983.

Radix's July 15 letter to the contracting officer is construed as a protest because Radix specifically pointed out deficiencies in the solicitation and requested corrective action. Radix II, B-212987.2, October 3, 1983, 83-2 CPD 410. Our Bid Protest Procedures, 4 C.F.R. part 21 (1983), require that where a protest against alleged solicitation improprieties has been filed initially with the contracting agency, any subsequent protest to our Office must be filed within 10 working days of formal notification of initial adverse action by the agency on the protest. 4 C.F.R. § 21.2(b)(1); see Compucorp, B-211889, June 10, 1983, 83-1 CPD 644.

Since Radix's protest to our Office was filed more than 10 days after Radix received the denial of its protest by the agency, it is untimely.

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We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel